

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**ANTONIO GALLEGOS, KRISTIAN PETTINE,
ANDRE GALLEGOS, and KOLBY L. PETTINE
LONDONO, a minor child,**

Plaintiffs,

vs.

No. CV-12-00224 LH-KBM

**CITY OF ESPAÑOLA, a municipal corporation,
JOE MARTINEZ, individually and in his individual capacity,
JEREMY APODACA, individually and in his individual capacity,
ROBERT VIGIL, individually and in his individual capacity,
CITY OF ESPAÑOLA OFFICERS and SUPERVISORS
JOHN DOES 1 through 10, individually and in their individual capacities,
CAMILLE SCARCELLA, individually and in her individual capacity,
STATE OF NEW MEXICO, CYFD, EMPLOYEES and SUPERVISORS
JOHN DOES 1 through 10, individually,**

Defendants.

MOTION FOR ENTRY OF CONFIDENTIALITY ORDER

COMES NOW Defendant Camille Scarcella by and through counsel and moves for the entry of a Confidentiality Order. In support of this motion, movant states:

1. That CYFD has the records concerning the response to the call for assistance on July 31, 2010 regarding K.L.P.L. and Kristine Pettine.
2. The CYFD abuse and neglect files are confidential records under NMSA 1978, §32A-4-33 and Section 8.27.2.31 N.M.A.C.
3. The parties have a legitimate interest in the following abuse and neglect records as provided in NMSA 1978 §32A-4-33(B)(16): CPS Investigation file #525884 (Bates Stamped 1-75; 77-79; 81-222). FACTS (Bates Stamped 300-446) except for any attorney/client confidential or other privileged records.

4. CYFD should produce said records subject to a Confidentiality Order except for any attorney/client confidential or privileged records. CYFD may redact social security numbers and dates of birth or other records to which a privilege is claimed.
5. Such records should remain confidential and not be disclosed to third parties except experts who should be required to conform to this Court's Order concerning confidentiality.
6. Additional post incident files related to K.L.P.L. as an "alleged" victim dated 7/20/11, 9/13/2011 and 10/28/2011 exist as do electronic records under the icon "Payments/Income Resources". CYFD believes they are not relevant. These records are not subject to this order at this time.
7. Any party should not be limited from requesting additional documents or from contesting CYFD's determination of documents to be withheld. Any further CYFD records produced by agreement of counsel, stipulation or order of this Court should be subject to this Confidentiality Order unless otherwise provided.
8. Records produced pursuant to the Court's order should be destroyed or returned to CYFD for destruction at the conclusion of this case.

Electronically Filed,

By: /s/Timothy V. Flynn-O'Brien

Timothy V. Flynn-O'Brien

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Attorney for Defendant Camille Scarcella

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 11th day of January, 2013 I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice for Electronic Filing:

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